THE HON'BLE SRI JUSTICE G.CHANDRAIAH

WRIT PETITION NO: 2670 of 1998

Dated: 20-03-2007

Between:

Jamait-ul-quresh Association,
Nizamabad.

..... PETITIONER

AND

The State of Andhra Pradesh,
Rep., by its Secretary to Government,
Municipal Administration Department,
Hyderabad and 3 others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE G.CHANDRAIAH

WRIT PETITION NO. 2670 OF 1998

O R D E R:

This Writ petition is filed seeking a direction to the respondents to immediately provide a separate distinctive site measuring at least 1000 square yards for the purpose of slaughtering animals within the Municipal Limits of Nizamabad Town in place of present site situated in between Ward Nos.35 and 36 bearing Municipal No.9-9-35, Malapally, Nizamabad.

The case of the petitioner-association is that it is registered under the Andhra Pradesh (Telegana Area) Public Societies Registration Act, 1350 Fasli and having more than 500 members. The main object of the society is to take all possible steps for betterment and upliftment of the members who are engaged in the profession of Butchers. The slaughtering house was established about 80 yeas back and at that time it was totally outside the city limits surrounded by agricultural lands. Earlier to formation of the Municipality, Local Fund Office used to perform the job of the Municipality and was responsible for establishment of the slaughterhouse. Subsequently, after formation of the Municipality, it took over the functioning of the slaughterhouse. Over a period of time, several houses were constructed around the area of the slaughterhouse and people started living therein. It is also the case of the petitioner that the slaughterhouse is situated between Ward Nos. 35 and 36 bearing Municipal No.9-9-35, Malapally, Nizamabad. The members of the petitioner society are exclusively and totally depending only upon the profession of butchery and they have no other means of livelihood. It is also stated that on 13-01-1998 the residents of the locality came to the

slaughterhouse and started demolishing the main gate and surrounding structures with a view to remove the slaughterhouse from that place. Though the slaughterhouse was allotted at the instance of the respondent No.2, respondent Nos. 3 and 4, for the reasons best known to them, do not want the slaughterhouse to work and tried to interfere in its functioning.

This Court, while admitting the writ petition, granted an interim direction not to interfere with the functioning of the slaughterhouse situated in between ward Nos.35 and 36 bearing Municipal No.9-9-35.

Respondent No.3 filed a counter affidavit stating that by virtue of the interim order of this Court, respondent No.3 is not interfering with the activities of the slaughterhouse.

It is obvious from the averments made in the affidavit filed in support of the writ petition that the slaughterhouse is located in the Municipality premises bearing No.9-9-35 of Malapally village in between ward Nos.35 and 36. It is also the case of the petitioner that over a period of time several houses have come up surrounding the slaughterhouse. The locality people started raising objection about the functioning of the slaughterhouse.

In view of the said situation, the petitioner-association said to have made a representation to the authorities particularly respondent No.2, who is the Commissioner of Municipality, but no action has been taken on the said representation.

Having regard to the averments made in the affidavit filed in support of the writ petition and particularly keeping in view the livelihood of the members of the petitioner-association, it is just and proper to dispose of the writ petition with a direction to the respondent No.2 to consider and dispose of the representation of the petitioner-association within a period of two months from the date of receipt of a copy of this order, if any,

pending on its file. If no representation is pending with the respondent No.2, but the issue still subsists, the petitioner-association is given an opportunity to file appropriate representation before the respondent No.2 within a period of two weeks from the date of receipt of a copy of this order and the respondent No.2 is directed to dispose of the said representation within a period of two months thereafter.

With the above direction, the writ petition is disposed of. No costs.

G.CHANDRAIAH,J

Date: 20-03-2007
KLP